

**REMARKS**

Claims 1-48 are currently pending in the present application. With entry of this Amendment, Applicants amend claims 1, 2, 4, 5, 8, 10, 12, 14, 15, 17, 18, 20, 21, 24, 26, 28, 30, 31, 33, 34, 36, 37, 40, 42, 44, 46 and 47 and cancel claims 3, 13, 19, 29, 35 and 45. Reexamination and reconsideration are respectfully requested.

Applicants note with appreciation the indication of allowable subject matter with respect to claims 7, 23, and 39.

Applicants have amended independent claims 1, 12, 17, 28, 33 and 44 to change “is to exhibit” to “exhibits” and to incorporate the recitations of dependent claims 3, 13, 19, 29, 35 and 45 respectively. Each of these dependent claims has been canceled.

The Examiner rejected claims 1-6, 8, 12-22, 24, 28-38, 40 and 44-48 under 35 U.S.C. § 102(b) as being anticipated by Yun (US 5298674). The rejection is respectfully traversed.

Claim 1 is directed to a discriminator. The discriminator comprises an analyzer that evaluates at least one feature of an information carrying signal found in a waveform of the information carrying signal. Claim 1, as amended, recites that the “at least one feature is a similarity of said waveform to plural reference waveforms.” Claim 1 further recites a judging unit that investigates the evaluation supplied by the analyzer.

In contrast, Yun does not disclose an analyzer that evaluates at least one feature of the information carrying signal wherein the at least one feature is a similarity of the waveform to plural reference waveforms. Yun is directed to an apparatus that can determine whether an audio signal is either a vocal sound or a musical sound. An input audio signal is separated into a vocal and musical frequency band signal by a pre-processing circuit (see block 10 in Fig. 1; block 100 in Fig. 2; and Col. 4, lines 8-33). The signals are then fed to an intermediate decision circuit that detects parameters of the signals (see block 20 in Fig. 1; blocks 300, 400 and 500 in Fig. 2). A final

decision circuit analyzes the decision signal to make the determination (see block 30 in Fig. 1; block in 600 in Fig. 2).

The evaluation of the signals in Yun is not done on the basis of the similarity of a waveform to plural reference forms. The Examiner cites Col. 4, lines 24-26 relating to the pre-processing circuit. However, Col. 6, line 67 to Col. 7, line 27 makes clear the pre-processing circuit separates the signals on the basis of a frequency band, and not the recited similarity. Furthermore, the intermediate decision circuit provides signals based on the spectrum range (see Col. 5, lines 28-38), continuity of envelopes (see Col. 5, lines 49-54) and the strength of the low and high frequency components (see Col. 5, lines 68 to Col. 6, line 3). There is no disclosure that the decision circuit signals are based on the recited similarity.

Accordingly, Applicants respectfully submit that independent claim 1 is not anticipated by Yun. For at least the same reasons as set forth above, Applicants submit that independent claims 12, 17, 28, 33 and 44 are not anticipated by Yun.

Applicants respectfully submit that dependent claims 2, 4-6, 8, 14-16, 18, 20-22, 24, 30-32, 34, 36-38, 40 and 46-48 that depend from claims 1, 12, 17, 28, 33 and 44 are likewise not anticipated by Yun for at least the reasons set forth above.

Applicants note that certain dependent claims have been amended to clarify the claimed invention. Claims 2, 18 and 34 have been amended to change "evaluation to" to "evaluation of" and to delete "said." Claims 14, 30 and 46 have been amended to delete "said" as well. Claims 4, 15, 20, 31, 36 and 47 have been amended in view of the amendments to claims 1, 12, 17, 28, 33 and 44 respectively. Applicants have amended claims 5, 21 and 37 to change their dependency in view of the cancellation of claims 3, 19 and 35 and to change "is fallen" to "falls." Claims 8, 10, 24, 26, 40 and 42 have been also amended to change "is fallen" to "falls."

The Examiner rejected claims 9-11, 25-27 and 41-43 under § 103(a) as being unpatentable over Yun in view of Ishii (US 6346667). Applicants note that the present application claims priority to a Japanese application filed January 23, 2001. Ishii has a U.S. filing date that is

January 24, 2001. Applicants are submitting herewith a translation of the Japanese application pursuant to 37 C.F.R. § 1.55(a)(4). Accordingly, Applicants respectfully request that the Examiner withdraw the § 103 rejection. Applicants note that they may be able to withdraw the § 103 rejection in other ways. It also appears that Ishii does not make up for the deficiencies of Yun.


In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032030500.

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Respectfully submitted,

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